

In attendance: Carl Luck presiding, Mr. Rabbitt (remote) Ken Jones, Todd Dwyer, Brad Kennedy, Thomas Bertram, Matthew Marro, Agent.

## Town of Lunenburg Conservation Commission

Richard Bursch, Chair  
Jack Rabbitt, Vice-Chair  
Brad Kennedy  
Tom Bertram  
Carl Luck  
Todd Dwyer  
Kenneth Jones



Tel: (978) 582-4146  
960 Massachusetts Ave.  
Lunenburg, MA 01462

Note: Commissioner Luck acting  
Chair. Commissioner Rabbitt announced  
As participating by phone.

### MINUTES

Wednesday, March 16, 2016, 6:30 PM regular meeting  
Ritter Memorial Building, 960 Massachusetts Avenue  
Lunenburg, MA 01462  
MINUTES

#### Call to Order Announcements

**Public Comment Dan Thomas form Hemlock Drive appeared with Joe Hanlon PE to quickly discuss the issues relative to the enforcement action on the property. He will be away out of the country for six weeks and wishes to inform the commission of the fact he will be working on it.**

**Approval of Minutes:** Meetings from 11/18 to present – Mr. Marro presented minutes for the commission to review for the next meeting.

#### **Appointments/Hearings –commences at 7 PM**

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing on a Notice of Intent filed by Michael and Tammy Lovewell for an addition to a single family home within the buffer zone at 579 Reservoir Road.*

*Commissioner Kennedy moved to issue a standard order of conditions. Commissioner Jones seconded and the commission voted unanimously except for Commissioner Bertram who abstained.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting on a request for a determination of applicability by Mike Kerrigan for the repair of an existing stone wall 37 feet from lakes edge at 163 Hemlock Drive*

*Mike Kerrigan represented himself. He outlined the project consisting of replacing the stone wall used to hold up a patio that was 65 years old. Mr. Marro noted that based on regulation, the building inspector will not need a plan. Commissioner Luck wanted to know if the stairs were going to be changed. He said no. Commissioner Dwyer wanted to know what would be used to rebuild a wall. Commissioner Dwyer commented we should have a sketch showing pre and post work. Commissioner Kennedy requested wattles 30 feet from the water. MR. Kerrigan agreed to continue to April 6, 2016. Commissioner Dwyer moved to continue. MR. Kennedy seconded and the commission voted unanimously.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting on a request for a determination of applicability by Gerard Chabot for the construction of a 24 foot by 24 foot Barn at 40 Page Street.*

*Rob Oliva represented the applicant. He outlind the project for the commission and oriented the commission with the relationship*

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*to the wetland. Commissioner Kennedy recounted the site visit and noted it did not appear to have a real impact. Commissioner Luck questioned runoff from the roof. Mr. Oliva suggested a drip curtain. Mr. Bertram expressed concerns that perhaps there should be a notice of intent. Mr. Oliva indicated that DEP has worked within the DEP frame of a negative determination. Mr. Jones moved to issue a negative determination with the condition that straw wattles will be used. Mr. Marro noted that a 48 hour notice and to refrain from being in the 50 foot no structure zone. Commissioner Dwyer seconded and the commission voted unanimously.*

#### **Current Business**

1. **CONTINUED PUBLIC HEARING: UNITIL- 357 ELECTRIC AVE, NOTICE OF INTENT -Mr. Rheault**  
Commented that he sent a letter to continue the hearing. Mr luck clarified the reasons of the continuance.  
  
Mr. Bertram moved to continue...Mr Jones seconded and the commission voted unanimously.
2. **CONTIUNED PUBLIC HEARING: HIGH FIELD VILLAGE OFF 961 NORTHFIELD ROAD- Mr Rabbitt** wanted to know if maybe the continuance could be longer than 2 weeks. Mr. Rheault offered May 4. Commissioner Dwyer moved to continue to May 4, 2016. MR. Bertram seconded and the commission voted unanimously.
3. **Signatures on documents to be issued.**
4. **Certificate of Compliance – 88 Peninsula Dr. 208-1009 , Vogt: . Commissioner Kennedy** motion to issue the Certificate of Compliance. Mr. Dwyer seconded and the commission voted unanimously.
5. **Enforcement -101 Pleasant Street, Dan Gardner, Administrative hearing.** Mr. Rheault explained that there was some mitigation installed. Commissioner Bertram inquired as to the clearing in the buffer zone and wanted to know how wide the pathway is. Commissioner Bertram inquired as to remedial action of the violation proposed. Commissioner Dwyer noted that the work that was in the buffer zone was outlined. Commissioner Bertram wanted the additional work added to the plan. The Commission agreed to allow Mr. Marro to walk prior to the commission site walk and outline any other work within the buffer zone.

Greg Bittner noted he feels that there is more wetlands in the area than was noted and wanted that area outlined on the Notice of Intent. He noted that the enforcement order was not being followed. Commissioner Dwyer noted that the fining stops once the NOI is properly submitted. Commissioner Luck wanted the NOI to identify the area of disturbance , proposed construction and proposed remediation. Commissioner Dwyer moved to cease fining once the commission received a complete NOI. Mr. Kennedy seconded. Commissioner Rabbitt requested during discussion on the motion that he would not like the fine stopped until the extent of alteration is quantified on plans. Mr. Kennedy feels the reason we fine was to get the applicant to come in and get the Notice of Intent and agreed with Mr. Dwyer. Mr. Bertram also agreed with Mr. Dwyer. Commissioner Rabbit noted that Chairman Bursch has given earlier directives that were ignored and still feels that the fine should not be suspended. Mr. Gardner claimed he has not worked in the area. Mr. Gardner was asked to leave the meeting due to an argument with an abutter. Paula Bertram asked if a site walk was public. Ms. Bertram indicated that there was a selectmen issue and wanted to be invited. Mr. Luck stated it was a separate issue but asked if the applicant would allow Ms. Bertram to attend. The motion after discussion was passed unanimously.

#### **Old Business**

1. **Forest Cutting Plans and updates**
2. **Regulations and By-Law** Mr Marro had issued a packet of information to the commission for review for town meeting. The commission added language that there would be abutter notification by certificate of mail for extension permits. Commissioner Dwyer moved to approve changes. Commissioner Kennedy Seconded and the commission voted unanimously
3. **Commission Education** Commissioners and Mr. Marro will share experiences from the modules of the MACC conference held on March 5, 2016 at the next meeting. Commissioner Luck noted that maybe we could do a presentation to the LISC. Mr. Marro indicated a willingness to do so and will speak to Ms. Simeone.
4. **Storm Water By-Law- IT** was noted that the new MS4 regulations were finalized by EPA and the town is working to comply. Updates will be given at landmark moments. The town is looking to join a coalition or start one.

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**5. Review of Holman Street Land Management ( Brandon Kibbe to appear on behalf of Open Space Committee At 6:30 PM)**

Mr. Kibbe and JJ Cote were present. Mr. Bertram and Mr. Kibbe discussed a walking path that Bob Pease wanted to construct. Mr. Kibbe and Mr. Cote reviewed access potentials with the Conservation Commission. Mr. Cote presented a map to the commission and outlined a trail. He is requesting a site walk with the commission to show the trail and wants to establish with hand tools. Mr. Bertram moved to issue permission to Mr. Cote, Mr. Kibbe and Mr. Pease to establish the trail. Mr Jones seconded and the Commission voted unanimously with Commissioner Rabbitt abstaining due to participation by phone. Mr. Jones requested that they email prior in case any of the commission could help with the labor.

Mr. Kibbe will also send a CD of the land management plan for Mr. Marro to place on the cloud for the commission to be able to access.

Mr. Bertram proposed marking the trails with paint and reflectors. Paula Bertram noted she has a girl scout troop about helping and the troop would be willing to help. She also noted that the snow riders had monies for bridges and wanted to know what the commission wanted. Mr. Marro noted that the bridges should be documented on a request for a determination. Mr Pease expressed a concern that some of the trails may not be accurately depicted and gave input on trails. Commissioner Bertram noted agreement with those assertions.

Commissioner Bertram moved to allow Mr. Kibbe and Cote and Pease to use paint on the side trails Mr Jones seconded and the commission voted unanimously.

Committee Reports – FY 17 Budget

Notices & Communications

Meeting Schedule- Next meeting for April 6, 2016 at 7:00 PM In the Ritter Memorial Administration Building.

Public Comment For Meeting Close.

Adjournment